

ESTTA Tracking number: **ESTTA733678**

Filing date: **03/15/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Campari America LLC
Granted to Date of previous extension	04/20/2016
Address	1255 Battery St., Suite 500 San Francisco, CA 94111 UNITED STATES
Attorney information	Joel R. Feldman, Esq. Greenberg Traurig, LLP 3333 Piedmont Rd., NE, Suite 2500 Atlanta, GA 30305 UNITED STATES atltrademark@gtlaw.com, feldmanjoel@gtlaw.com Phone:678-553-4778

Applicant Information

Application No	86316534	Publication date	12/22/2015
Opposition Filing Date	03/15/2016	Opposition Period Ends	04/20/2016
Applicant	Skyfish, LLC PO Box 3693 Missoula, MT 598063693 UNITED STATES		

Goods/Services Affected by Opposition


Class 012. First Use: 2014/04/30 First Use In Commerce: 2014/04/30
All goods and services in the class are opposed, namely: Unmanned aerial vehicles (UAVs)

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2296158	Application Date	01/05/1999
Registration Date	11/30/1999	Foreign Priority Date	NONE
Word Mark	SKYY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 distilled spirits, namely vodka

U.S. Registration No.	3193669	Application Date	03/01/2006
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	SKYY		
Design Mark			
Description of Mark	The mark consists of the word SKYY in stylized form.		
Goods/Services	Class 033. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 Distilled spirits, namely vodka		

Attachments	75616012#TMSN.png(bytes) 78826504#TMSN.png(bytes) Skyyfish Notice of Opposition.pdf(378504 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jrf/
Name	Joel R. Feldman, Esq.
Date	03/15/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/316,534: SKYYFISH
Published in the *Official Gazette* on December 22, 2015

CAMPARI AMERICA LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
SKYYFISH, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Campari America LLC (“Campari America”) opposes Skyyfish, LLC’s Application Serial No. 86/316,534 (the “Application”) because Campari America will be damaged by the registration of this Application.

The grounds for opposition are:

BACKGROUND

1. Applicant seeks to register SKYYFISH in International Class 12 for unmanned aerial vehicles (UAVs) (the “Class 12 Goods”).
2. Applicant filed the Application on April 30, 2014, based on Applicant’s alleged use in commerce of SKYYFISH in connection with the Class 12 Goods since at least as early as April 30, 2014.

**CAMPARI AMERICA’S USE AND REGISTRATION
OF THE SKYY BRAND**

3. Opposer Campari America is a Delaware limited liability company with an address of 1255 Battery Street, Suite 500, San Francisco, CA 94111.

4. Since 1998, Campari America has used the mark SKYY as a very popular and successful vodka brand name.

5. The SKYY mark is a coined term and therefore a conceptually-strong mark entitled to a broad scope of protection.

6. The SKYY mark is a commercially-strong mark entitled to a broad scope of protection.

7. Campari America owns the following U.S. trademark registrations incorporating the SKYY mark:

- a. U.S. Reg. No. 2,296,158 for SKYY in International Class 33 for distilled spirits, namely vodka (TSDR and assignment records attached at Exhibit 1); and
- b. U.S. Reg. No. 3,193,669 for **SKYY** in International Class 33 for distilled spirits, namely vodka (TSDR and assignment records attached at Exhibit 2).

8. U.S. Reg. Nos. 2,296,158 and 3,193,669 are valid and subsisting United States trademark registrations.

COUNT I
PRIORITY AND LIKELIHOOD OF CONFUSION

9. Campari America's rights in the SKYY mark predate Applicant's filing date for the Application.

10. Campari America's rights in the SKYY mark predate Applicant's alleged first-use date of SKYYFISH in connection with the Class 12 Goods.

11. Applicant's applied-for SKYYFISH mark fully incorporates Campari America's SKYY mark and closely resembles overall the SKYY mark in sight, sound, meaning, and

commercial impression.

12. The Class 12 Goods are related closely enough to distilled spirits and vodka that the use of SKYYFISH, a mark highly similar to SKYY, on the Class 12 Goods is likely to cause confusion, mistake, and deception as to the source of Applicant's goods within the meaning of 15 U.S.C. §§ 1114 and 1125(a).

13. Applicant's use and registration of SKYYFISH will injure and damage Campari America and the goodwill and reputation symbolized by Campari America's SKYY mark within the meaning of 15 U.S.C. § 1063(a).

14. Based on the similarity of the Applicant's and Campari America's marks and the overlap of Applicant's applied-for goods and Campari America's SKYY-branded goods, the public is likely to incorrectly believe that Applicant's SKYYFISH-branded goods are in some way connected to Campari America. This confusion will cause irreparable damage to Campari America.

15. The Application should not be allowed under 15 U.S.C. § 1052(d), because the applied-for SKYYFISH mark resembles a mark previously used in the United States by Campari America and is likely to cause confusion, mistake, or to deceive.

COUNT II **LIKELIHOOD OF DILUTION**

16. For over 15 years, Campari America's SKYY mark has been widely used and advertised in the United States, and, therefore, SKYY has become well known and famous as a distinctive symbol of Campari America's goodwill within the meaning of 15 U.S.C. § 1125(c)(1).

17. Campari America's SKYY mark became famous before Applicant allegedly began using SKYYFISH and before Applicant applied to register SKYYFISH.

18. Campari America engages in substantially exclusive use of the SKYY mark as a

source indicator for goods.

19. SKYYFISH fully incorporates Campari America's SKYY word mark and is very similar, overall, to Campari America's SKYY word mark. Applicant's use and registration of SKYYFISH will likely dilute the distinctive quality of Campari America's SKYY mark within the meaning of 15 U.S.C. § 1125(c)(2)(B).

20. Applicant's use and registration of SKYYFISH will likely lessen the capacity of Campari America's famous SKYY mark to identify and distinguish Campari America's goods from the goods of others.

21. Applicant's use and registration of SKYYFISH will likely tarnish the reputation of Campari America's famous SKYY mark within the meaning of 15 U.S.C. § 1125(c)(2)(C).

CONCLUSION

22. Campari America respectfully requests that this opposition be sustained and registration of Application Serial No. 86/316,534 be refused.

Date: March 15, 2016

Respectfully submitted,
GREENBERG TRAURIG, LLP



Joel R. Feldman, Esq.
Jacquelynn J. Regan, Esq.


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Atlanta, GA 30305
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***Attorneys for Opposer
Campari America LLC***

CERTIFICATE OF ELECTRONIC TRANSMISSION

Date: March 15, 2016

I certify that this Notice of Opposition is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office, on the date indicated above, through the ESTTA electronic filing system at the web site <http://estta.uspto.gov/>.

By: 
Joel R. Feldman, Esq.

CERTIFICATE OF SERVICE

I certify that on March 15, 2016, I served this Notice of Opposition by first-class U.S. mail to:

Skyfish, LLC
P.O. Box 3693
Missoula, MT 59806-3693


By: 
Joel R. Feldman, Esq.

Exhibit 1

With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

[STATUS](#) [DOCUMENTS](#) [MAINTENANCE](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2016-03-14 16:32:56 EDT**Mark:** SKYY**SKYY****US Serial Number:** 75616012**Application Filing Date:** Jan. 05, 1999**US Registration Number:** 2296158**Registration Date:** Nov. 30, 1999**Register:** Principal**Mark Type:** Trademark**Status:** The registration has been renewed.**Status Date:** Sep. 16, 2009**Publication Date:** Sep. 07, 1999

Mark Information

Mark Literal Elements: SKYY**Standard Character Claim:** No**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US [1571223](#)
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: distilled spirits, namely vodka**International Class(es):** 033 - Primary Class**U.S Class(es):** 047, 049**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Apr. 14, 1988**Use in Commerce:** Apr. 14, 1988

Basis Information (Case Level)

Filed Use: Yes**Currently Use:** Yes**Amended Use:** No**Filed ITU:** No**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: CAMPARI AMERICA LLC**Owner Address:** 1255 BATTERY ST., SUITE 500
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where** DELAWARE
Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rod S. Berman**Docket Number:** 1044**Attorney Primary Email** trademarkdoCKET@jmbm.com**Attorney Email Authorized:** Yes**Address:**

Correspondent

Correspondent Name/Address: Rod S. Berman
Jeffer Mangels Butler & Marmaro LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CALIFORNIA UNITED STATES 90067

Phone: 310-203-8080**Fax:** 310-203-0567**Correspondent e-mail:** trademarkdoCKET@jmbm.com**Correspondent e-mail** Yes
Authorized:

Domestic Representative

Domestic Representative Name: LAWRENCE E. ABELMAN

Prosecution History

Date	Description	Proceeding Number
Feb. 04, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 01, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 21, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 21, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 16, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Sep. 16, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 22, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jul. 22, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 22, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 04, 2009	NOTICE OF SUIT	
Jun. 19, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Jun. 13, 2006	CASE FILE IN TICRS	
Feb. 22, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Feb. 03, 2006	ASSIGNED TO PARALEGAL	69471
Nov. 30, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 30, 2005	TEAS SECTION 8 & 15 RECEIVED	
Dec. 12, 2002	PAPER RECEIVED	
Nov. 01, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 30, 1999	REGISTERED-PRINCIPAL REGISTER	
Sep. 07, 1999	PUBLISHED FOR OPPOSITION	
Aug. 06, 1999	NOTICE OF PUBLICATION	
May 10, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 06, 1999	EXAMINER'S AMENDMENT MAILED	
Apr. 27, 1999	NON-FINAL ACTION MAILED	
Apr. 22, 1999	ASSIGNED TO EXAMINER	74299

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Nov. 30, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE**Date in Location:** Sep. 16, 2009

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 1

Registrant: SKYY SPIRITS, LLC

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [5450/0023](#)

Pages: 5

Date Recorded: Jan. 30, 2015

Supporting Documents: [assignment-tm-5450-0023.pdf](#)

Assignor

Name: [SKYY SPIRITS, LLC](#)

Execution Date: Jan. 01, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: [CAMPARI AMERICA LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWAREAddress: 1255 BATTERY ST., SUITE 500
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: JOEL R. FELDMAN, ESQ.

Correspondent Address: 3333 PIEDMONT RD., NE, SUITE 2500
GREENBERG TRAURIG, LLP
ATLANTA, GA 30305

Domestic Representative - Not Found

[Proceedings - Click to Load](#)

Exhibit 2

With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

[STATUS](#) [DOCUMENTS](#) [MAINTENANCE](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2016-03-14 16:33:58 EDT**Mark:** SKYY**SKYY****US Serial Number:** 78826504**Application Filing Date:** Mar. 01, 2006**US Registration Number:** 3193669**Registration Date:** Jan. 02, 2007**Register:** Principal**Mark Type:** Trademark**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.**Status Date:** Nov. 26, 2012**Publication Date:** Oct. 17, 2006

Mark Information

Mark Literal Elements: SKYY**Standard Character Claim:** No**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM**Description of Mark:** The mark consists of the word SKYY in stylized form.**Color(s) Claimed:** Color is not claimed as a feature of the mark.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
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Current Owner(s) Information

Owner Name: CAMPARI AMERICA LLC**Owner Address:** 1255 BATTERY ST., SUITE 500
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where** DELAWARE

Organized:

Attorney/Correspondence Information**Attorney of Record****Attorney Name:** Joel R. Feldman, Esq., Kristen L. Fancher Esq.,**Docket Number:** 134564.01000**Attorney Primary Email** trademarkdocket@jmbm.com**Attorney Email Authorized:** Yes**Address:****Correspondent****Correspondent Name/Address:** Joel R. Feldman, Esq., Kristen L. Fancher Esq.,
GREENBERG TRAURIG, LLP
3333 PIEDMONT RD. NE, SUITE 2500
ATLANTA, GEORGIA UNITED STATES 30305**Phone:** 678-553-2100**Fax:** 678-553-2212**Correspondent e-mail:** atltrademark@gtlaw.com**Correspondent e-mail** Yes
Authorized:**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jan. 02, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 04, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 01, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 28, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 27, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Nov. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 26, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Nov. 26, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Oct. 31, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 21, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 21, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 30, 2009	NOTICE OF SUIT	
Feb. 04, 2009	NOTICE OF SUIT	
Jun. 19, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Jan. 02, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 2006	PUBLISHED FOR OPPOSITION	
Sep. 27, 2006	NOTICE OF PUBLICATION	
Sep. 07, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Aug. 25, 2006	ASSIGNED TO LIE	78145
Aug. 18, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2006	ASSIGNED TO EXAMINER	73370
Mar. 07, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information**Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** TMO LAW OFFICE 116**Date in Location:** Nov. 26, 2012**Assignment Abstract Of Title Information****Summary**

Conveyance Filter

Total Assignments: 1

Registrant: SKYY SPIRITS, LLC

Assignment 1 of 1

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Name: [CAMPARI AMERICA LLC](#)

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State or Country Where
Organized: DELAWAREAddress: 1255 BATTERY ST., SUITE 500
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

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GREENBERG TRAURIG, LLP
ATLANTA, GA 30305

Domestic Representative - Not Found

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